

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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OVERBECK CORPORATION,

Plaintiff,

-against-

ORDER  
03-CV-0844 (DRH) (ETB)

OVERBECK GMBH, DANOBAT MACHINE TOOL  
CO., INC., DANOBAT S. COOP., and BODO  
ZIMMERMAN,

Defendants.

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A P P E A R A N C E S:

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HURLEY, Senior District Judge

By decision bearing today's date, I granted the  
defendants' trial motion pursuant to Fed. R. Civ. P. 39(a)(2) to  
strike the plaintiff's jury demand.

The purpose of this Order is to address two other,  
interrelated motions made by defendants during the course of the  
trial, viz. Fed. R. Civ. P. 50(a) motions for judgment as a  
matter of law made at the conclusion of plaintiff's case-in-chief  
and again after both sides had rested. Decision was reserved as

to plaintiff's federally based claims of trademark infringement, trademark dilution, and unfair competition. Thereafter, defendants filed a timely post-verdict renewal of the applications pursuant to Fed. R. Civ. P. 50(b).

In reviewing the Fed. R. Civ. P. 50(b) submissions, particularly those in opposition submitted by plaintiff, the Court has concluded that some additional briefing is required. However, before (a) setting a briefing schedule for the supplemental items needed, and (b) establishing a schedule for the submission of proposed findings and fact and conclusions of law which will be necessary should defendants' Fed. R. Civ. P. 50(b) motion be denied, the Court believes that a settlement conference may prove fruitful. Accordingly, the parties are directed to contact the Chambers of Magistrate E. Thomas Boyle on or before April 11, 2007 to arrange for a settlement conference.

SO ORDERED.

Dated: March 30, 2007  
Central Islip, New York

/S/  
DENIS R. HURLEY, U.S.D.J.